AFFIDAVIT
OF
Michael McNeill

County of Asotin)
)
State of Washington)

Michael McNeill being first duly sworn according to law deposes and states:

1. Michael McNeill "affiant" is the Plaintiff in CIV 99-0332 and affiant has personal knowledge of all things testified to herein;
2. On or about September 8, 1997 affiant reported for work at Oconee Nuclear Generating Station being employed by Power Equipment Maintenance 'PEM" as a Reactor Cooling Pump mechanic being paid an hourly rate of twenty five (25) dollars per hour and four hundred ninety (490) dollars per week in per diem and travel pay. Affiant's wages when working seven days per week, twelve hours per day were $2650.00 per week plus $490.00 per diem.
3. As a condition of being granted unescorted access to the most secure areas of nuclear facilities, affiant must undergo background investigations to insure his continuing trustworthiness and reliability; a condition of employment. Affiant must also pass both drug and alcohol screens. Site access and radiation worker requirements specific to the particular site he wishes to work at. Affiant has never used marijuana nor any other controlled substance e.g., cocaine, methamphetamines, etc.. As a condition of employment, affiant must report anything that could affect his fitness for duty.

4. On or immediately after September 10, 1997 affiant received a telephone call from affiant's daughter living in Phoenix, Arizona who stated to affiant that affiant's mail contained a traffic ticket complaint. Affiant requested specific information and was told:

(a) The complaint originated from the Paradise Valley Municipal court and that the date of the alleged infraction was August 19, 1997;

(b) Affiant pursuant to the summons stated on the face of the complaint was to have appeared on September 10, 1997;

(c) The summons stated that if affiant failed to appear as directed, judgment would be entered against him, affiant would be fined and his drivers license suspended;

(d) Affiant requested and was given the complaint number and the telephone number to the Paradise Valley municipal court.

5. Because of the requirements of Affiant's conditions of employment as stated in part in paragraph 3 above and because affiant believing his continued employment was in extreme jeopardy as a result of the threat to suspend his drivers license, as soon as possible, affiant never having seen the complaint, contacted the office of the clerk of the Paradise Valley Municipal Court where in a telephone conversion the following statements were made and information given and received:

(a) The clerk told Affiant the complaint was a "Photo Radar traffic ticket, to which Affiant responded: the possibility did not exist that affiant was in the photograph on the date of August 19, 1997 and that affiant was neither the driver nor an occupant of the vehicle. Affiant told the clerk to obtain a copy of his drivers license from the department of motor vehicles stating it would prove

affiant was not the driver;

(b) Affiant asked for and was granted a continuance until October 24, 1997;

(c) Affiant was told he had to appear on October 24, 1997 for arraignment, enter a plea and identify the driver of the vehicle;

6. At no time was affiant informed of that he would not need appear if he: a) identified the driver of the offending vehicle or, b) sent a copy of affiant's drivers license to the court.

(a) The possibility does not exist that affiant could with certainty identify the driver of a vehicle where affiant was not an occupant thereof nor within any number of miles of the vehicle at the time of the alleged violation absent seeing at a photograph of the driver which affiant has never seen.

7. On or about October 3, 1997 affiant submitted several motions to the Paradise Valley court and among those were motions to dismiss, plead not guilty, motion to enlarge for discovery and others. (a) The Paradise Valley Court in an order dated October 14, 1997 a) refused to accept affiant's not guilty plea, b) denied Affiant's motion to discuss and, c) regarding motion to enlarge RE: discovery the court stated:
" "Defendant's motion to enlarge time is allowed for discovery is denied. Pursuant to Arizona Rules of Court, Rule 14(a) Rules of Procedure in Civil Traffic Violation Cases, "No pre-trial discovery shall be permitted absent extraordinary circumstances. Defendant has not shown extraordinary circumstances." "

(b) As a result of the court's order Plaintiff did not attempt discovery; As a result of the court's order Plaintiff believed the term "no pre-trial discovery' meant affiant was not allowed to see any photograph or document until he was in the batter's box at trial.

8. On or about October 31, 1997 Plaintiff was served by certified mail with a subpoena to testify for the State and a summons to appear and a complaint which stated that if Plaintiff did not appear as ordered, default judgment would be entered against him, a fine levied and Plaintiff's drivers license suspended. Further the complaint stated Plaintiff could plead not guilty. Mike Coppela did not sign the complaint.
9. On or about November 23, 1997 affiant was laid off work at Oconee Nuclear Station. On or about December 3, 1997 affiant filed for an inujunction with the Federal court in Greenville, South Carolina seeking an order prohibiting Paradise Valley acting against affiant who wished to remain in the area for employment purposes. On December 9, 1997 the court denied affiant's request for an injunction stating the court lacked jurisdiction.
10. On or about December 3, 1997 affiant was asked if he would accept work at Catabwa Nuclear Generating station. Affiant started work on or about December 4, 1997.
11. On December 12, 1997 Plaintiff filed a further motion to continue and faxed a copy of said motion to the Clerk of the Paradise Valley Municipal Court. About that time Plaintiff became aware his motion for an injunction before the federal court had been denied for want of jurisdiction. Because Plaintiff did not know if the motion would be granted, because Plaintiff feared some sort legal skullduggery by defendant's agents and because Plaintiff was under subpoena commanding to appear and testify for the state on December 18, 1997 Plaintiff asked to be placed on the layoff list and traveled west for the purpose of appearing immediately in the Paradise Valley Municipal Court.

12. Upon arriving in the area Plaintiff twice called the

Clerk of the Paradise Valley Municipal Court requesting to appear and was informed that his motion to continue had been granted and that he would have to wait until the issuing officer was available to appear, which was Plaintiff's court date of February 23, 1998.

13. At no time did any person tell Plaintiff he could view any picture. Plaintiff was sent paper work from Paradise Valley indicating that the so called trial date was actually an arrignment date.
14. On or about the Friday before Plaintiff's trial date Plaintiff called the clerk of the court in order to determine his place on the docket. Plaintiff was informed that six individuals were on the docket, persons were called in alphabetical order and that Plaintiff would be the fifth person called for trial.
15. On February 23, 1998 Plaintiff traveled to the Paradise Valley Court where the following events took place:

(a) Plaintiff arrived at the court complex prior to the doors to the building being unlocked. Plaintiff observed a person unlock the doors and immediately entered the building where he filed two motions with the clerk. Plaintiff then went to the window of the town attorney and asked to see her. Plaintiff was informed the town attorney was not yet at work and Plaintiff observed copies of his motions being placed in an array of open inter office type mail boxes. Plaintiff returned to the town attorneys window several times between 08:15 and 09:00 noting each time the documents had not moved. Several times Plaintiff asked if the town attorney had arrived, the answer was "no". At approximately 09:30 Plaintiff noted the documents were gone and asked if the town attorney had received Plaintiff's motions,the answer was "yes".

(b) Three police officers entered the court room at various time and all at various times inspected the file of

Michael McNeill.

(c) When it came time for Plaintiff to be called by alphabetical order he was passed over. Plaintiff at that time thought the court (Elsa Lynch) was preparing for vigorous extended legal arguments on Plaintiff's motions to dfismiss for lack of jurisdiction and lack of probable cause. Plaintiff's name, (defendant in the matter before the Paradise Valley Court) was called for trial when all other defendants had left the room and all police officers were present.

(d) Plaintiff and a police officer who identified himself as Mike Coppela were then sworn in and sat down in the witness chairs. The court then asked both Plaintiff and Coppela if they remembered her instructions as to how evidence would be taken and the rules of court. At that time Plaintiff inquired of the court as to whether or not we were on the record to which Judge Elsa Lynch stated "yes" and further instructed Plaintiff's testimony would be recorded. Plaintiff at that time immediately informed the court that he was objecting to the entire proceeding;

(e) Plaintiff made known to the court that he wished to argue his objections to the proceeding but the court told Plaintiff to wait until she had reviewed the record;

(f) While reviewing the record Judge Lynch reviewed Plaintiff's motions to dismiss for lack of jurisdiction and lack of probable cause;

(g) After a several minute delay the Court Judge (Elsa Lynch) stated the Town Attorney had moved to dismiss and asked if Plaintiff had any objection to said dismissal; Plaintiff attempted to voice his objections including the fact that Plaintiff had two (2) motions to dismiss before the court however Elsa Lynch told Plaintiff (defendant in No. 0223473A) "You be quiet";

(h) Plaintiff asked the court for permission to ask the court a question as Plaintiff wanted to know how the

town attorney made a motion to dismiss never having

opened his/her mouth nor uttered any words nor had Plaintiff been served with any such motion;

(I) Elsa Lynch immediately ordered defendant Mike Coppela and two other police officers to escort Plaintiff from the court room having never ruled upon either of Plaintiff's motions to dismiss nor the States non existent alleged motion to dismiss;

(j) Plaintiff left the court room and went to the Clerk of the court's office in an attempt to order a record of the proceedings in No. 0223473A and other documents in preparation for a civil suit against defendants;

(k) Defendant Mike Coppela and two other police officers followed Plaintiff to, and surrounded Plaintiff at the business window of the Clerk of the Paradise Valley Municipal Court;

(l) Elsa Lynch then exited the clerk's office through a door and asked Plaintiff what was he doing there, Plaintiff stated to defendant Lynch that he wished to order a transcript of the hearing from the Clerk of the Court to which defendant Lynch responded, "there is no record, the case was dismissed"; Lynch then gave to Plaintiff a goldenrod copy of a motion to dismiss stating, "I just found this on my desk";

(m) During the conversation between Plaintiff and defendant Lynch, defendant Lynch indicated to the police officers who had surrounded Plaintiff at the clerk of the court's business window that defendant Lynch wanted Plaintiff out of the court building at which time the police officers moved closer to Plaintiff causing Plaintiff to turn his back to the window in order to face said police officers for the purpose of self defense;

(o) Plaintiff had certain knowledge that defendant Lynch intended to destroy, caused to be destroyed or hide the record in No. 0223473A.

(p) Plaintiff had reason to believe and did believe he

was in imminent danger of physical injury or death or false imprisonment for life at the hands of incorrigible police officers in cahoots with a corrupt judge who would obstruct justice by destroying evidence; Plaintiff believed if he remained at the clerks window and attempted to obtain evidence for a civil action he would not survive; Plaintiff exited the building with the police officers in close pursuit.

17. Defendant sent Plaintiff a complaint by both regular and certified mail. The complaint stated on its face: "If you fail to appear as directed in this complaint on a civil traffic violation a default judgment will be entered against you, a civil sanction will be imposed and your drivers license will be suspended." The complaint also stated: "IF YOU WISH TO CONTEST THE VIOLATION, you must appear before a judge in court on the date and time shown on the summons to plead not responsible or not guilty."
18. Plaintiff was told he had to appear and identify the driver.

Further your affiant sayeth naught.

/s/ Michael McNeill

SUBSCRIBED AND SWORN before me this 17th day of January, 2001

/s/ Harold w. Vaughn
Notary Public
My Commission Expires 2-10-2002